



ENVIRONMENTAL SERVICES DEPARTMENT

Air Quality Division

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NOTICE OF PUBLIC WORKSHOPS / HEARINGS Third Quarter 2000

Maricopa County Environmental Services Department, Air Quality Division, will conduct Public Workshops and Public Hearings regarding the Maricopa County Air Pollution Control Regulations according to the schedule provided in this notice. If the information in this notice changes, the change(s) will be announced on the Internet (at the web site address listed below) and on Maricopa County's Workshop Update Line (listed below).

All **Workshops** will be held at 1001 North Central Avenue, Phoenix, Arizona, **Room 560** unless otherwise noted. Draft rules may be picked up at 1001 North Central Avenue, **Suite #201**, Phoenix, Arizona, or on the web at <http://www.maricopa.gov/sbeap/wkshops.htm>.

For current information on workshop times and locations, call our Workshop Update Line at **(602) 506-0169**. For questions or additional information, call the contact person listed or **(602) 506-6794**.

Public Hearings are held at: Maricopa County Board of Supervisors' Auditorium
205 West Jefferson Street, Phoenix, Arizona

For rules going to public hearing, a summary of the proposed action, a summary of comments and departmental responses and a demonstration of compliance with A.R.S. 49 Subpart 112 A or 112 B will be available along with the draft rules at 1001 North Central Avenue, **Suite #201**, Phoenix, Arizona.

Rules are effective as of the date of approval by the Board of Supervisors unless an effective date for certain revisions is otherwise noted within the text of the rule.

A sign language interpreter, alternative form materials, or infrared assistive listening devices will be made available at the Public Workshops and Hearings upon request with 72 hours notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. Requests should be made to (602) 506-6794.

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July - September 2000

PUBLIC WORKSHOPS

RULE/TITLE	DRAFT AVAILABLE	WORKSHOP DATE	TIME	COMMENTS DUE	CONTACT
280, Fees	6/23/00	7/6/00	9:00 AM	7/21/00	Crumbaker
200, Permit Requirements	7/6/00	7/20/00	9:00 AM	8/4/00	Kuspert
204, Permit Requirements For Internal Combustion (IC) Engines (New)	7/6/00	7/20/00	10:00 AM	8/4/00	Kuspert
324, Internal Combustion (IC) Engines (New)	7/6/00	7/20/00	11:00 AM	8/4/00	Kuspert
311, Particulate Matter from Process Industries	7/6/00	7/20/00	1:00 PM	8/4/00	Nelson
319, Ginning Operations	7/20/00	8/3/00	9:00 AM	8/18/00	Nelson
321, Municipal Solid Waste Landfills	7/20/00	8/3/00	11:00 AM	8/18/00	Romesburg
360, New Source Performance Standards	7/20/00	8/3/00	11:00 AM	8/18/00	Romesburg
370, Federal Hazardous Air Pollutant Program	7/20/00	8/3/00	11:00 AM	8/18/00	Romesburg
371, Acid Rain	7/20/00	8/3/00	11:00 AM	8/18/00	Romesburg
322, Power Plant Operations (New)	8/3/00	8/17/00	9:00 AM	9/1/00	Nelson
323, External Combustion Units (New)	8/3/00	8/17/00	9:00 AM	9/1/00	Nelson

PUBLIC HEARINGS

RULE/TITLE	FINAL DRAFT AVAILABLE	HEARING DATE	CONTACT
100, General Provisions and Definitions	6/23/00	7/26/00	Kuspert
130, Emergency Provisions (New)	6/23/00	7/26/00	Kuspert
140, Excess Emissions (New)	6/23/00	7/26/00	Kuspert
201, Emissions Caps (New)	6/23/00	7/26/00	Kuspert
220, Non-Title V Permit Provisions	6/23/00	7/26/00	Kuspert
500, Attainment Area Classification	6/23/00	7/26/00	Kuspert
Appendix D, List of Insignificant Activities (New)	6/23/00	7/26/00	Kuspert
Appendix E, List of Trivial Activities (New)	6/23/00	7/26/00	Kuspert

Public Workshops and Hearings are subject to change. Please call 602-506-0169 or go to <http://www.maricopa.gov/sbeap/wkshops.htm> for updates.

REVISIONS TO BE DISCUSSED AT PUBLIC WORKSHOPS:

Rule 200 (Permit Requirements), New Rule 204 (Permit Requirements For Internal Combustion (IC) Engines), and New Rule 324 (Internal Combustion (IC) Engines)

Re: Revisions To Rule 200:

From March 1998 through February 1999, Maricopa County conducted 7 Public Workshops to discuss proposed revisions to Rule 200. At the time, Maricopa County was proposing to revise Rule 200 in order to incorporate Operation And Maintenance Plan provisions and to incorporate significant format changes, which included proposing New Rule 202 (Permit Requirements For Earthmoving Operations) and New Rule 203 (Permit Requirements For Open Outdoor Burning Activities). At the 7th Public Workshop on February 18, 1999, Maricopa County announced that it was postponing the Rule 200 rulemaking process, pending the completion of Maricopa County's Air Pollution Control Regulations Rule 310 (Fugitive Dust Sources) rulemaking process.

At this time, Maricopa County is beginning the Rule 200 rulemaking process again. In this rulemaking process, Maricopa County is still proposing to revise Rule 200 in order to incorporate Operation And Maintenance Plan provisions (new Section 314). However, Maricopa County is not proposing to incorporate significant format changes and is not proposing New Rule 202 nor New Rule 203. Maricopa County will leave the format of Rule 200 pretty much the way it has been, but Maricopa County will revise Rule 200, Section 305 (Earthmoving Permit) and will delete Rule 200, Section 410 (Portable Sources). Maricopa County is proposing to write Rule 200, Section 410 (Portable Sources) as 2 new rules - New Rule 204 (Permit Requirements For Internal Combustion (IC) Engines) and New Rule 324 (Internal Combustion (IC) Engines).

Re: New Rule 204 And New Rule 324:

Maricopa County added requirements for portable sources to Rule 200 in 1993. The original text was verbatim from the Arizona Department Of Environmental Quality's (ADEQ's) rule R18-2-324 (Portable Sources). Since 1993, Maricopa County has made only minor revisions to the portable source section of Rule 200.

From 1993 through 1999, Maricopa County did not have a written policy explaining its interpretation of the portable source section of Rule 200. Consequently, both the regulators and the regulated community were confused and inconsistent in their interpretation of how portable sources must be permitted in Maricopa County. In December 1999, Maricopa County issued a written policy explaining how Maricopa County interprets the portable sources section of Rule 200.

At this time, Maricopa County is proposing New Rule 204 (Permit Requirements For Internal Combustion (IC) Engines) and New Rule 324 (Internal Combustion (IC) Engines). New Rule 204 establishes Non-Title V Permit requirements for IC engines that operate as emergency generators, for IC engines that operate for power generation at stationary sources, and for IC engines that operate for power generation at portable sources. In addition, New Rule 204 establishes Non-Title V Permit requirements for rental businesses and establishes, as administrative requirements, the text from Rule 200, Section 410 (Portable Sources). New Rule 324 establishes emissions limits for any reciprocating IC engine with a horsepower rating greater than 250 brake horsepower.

Rule 280 (Fees)

The Department is scheduling a fifth workshop on Phase Two of the Air Quality Program's Workload Analysis and proposed fee revisions. Overhead costs have been updated and minor errors corrected. Phase One of the workload analysis, which was completed last August, addressed programs that were specific to Maricopa County's nonattainment area requirements. The second phase of Maricopa County's fee revisions will address fees for Title V and Non-Title V (except for Stage I Vapor Recovery) sources, which have not been increased since 1993. The Department is proposing to increase these fees to be approximately equal to or less than the fee or costs of obtaining similar permits from the Arizona Department of Environmental Quality (ADEQ). As a result of comments received to date, the Department has prepared a proposal keeping the flat fee tiered structure, but adding a third tier of sources listed as Table C. The Department will also propose to increase the emission fee to be identical to the ADEQ emissions fee.

In addition, the annual inspection and processing fee will be combined with the permit review fee (due once every five years for permit renewal) such that the permitted source will pay the same fee every year. This system would replace the current system that assesses the annual fee each year and, in the fifth year, assesses both the annual fee and the permit review fee. Maricopa County has also issued four general permits and is in the process of developing two others. For each general permit, the County calculated source specific fees due to differences planned in annual inspection frequency. Three of the four categories of general permits issued apply to source categories required to implement rules contained in the ozone State Implementation Plan (SIP) for Maricopa County. The fees for the Stage I Vapor Recovery Program are proposed to increase again to reflect the updated program costs and indirect costs calculated from the recently completed workload analysis.

Rule 311 (Particulate Matter from Process Industries)

Maricopa County is proposing to revise Rule 311 by deleting the sections of the rule that are applicable to fuel burning equipment. New Rule 322 and Rule 323 will address fuel burning equipment. The limitations for portland cement plants that are in the current rule were removed since there are no sources in Maricopa County. Any new portland cement plants that would commence construction would have to comply with federal New Source Performance Standards. A revision to the applicability section is being made so that the section will be more concise. In addition, there are administrative changes that will be made.

Rule 319 (Ginning Operations)

Maricopa County is proposing to revise Rule 319 in order to address compliance dates for new sources and the compliance schedule for current sources. Initial baseline data from cotton gins that operated last season will be evaluated and Section 502 will be changed accordingly. A few other minor administrative changes will be made.

Rules 322 (Power Plant Operations) and 323 (External Combustion Units)

Maricopa County is proposing to adopt New Rule 322 to regulate the emissions of nitrogen oxides, sulfur dioxides and particulate emissions from fuel burning equipment and cooling towers at power plants. Historically, fuel burning equipment was regulated by the process weight rule, Rule 311. There will be different standards incorporated for different types of units as well as recordkeeping and test methods.

Maricopa County is proposing to adopt New Rule 323 to regulate the emissions of nitrogen oxides, sulfur dioxides and particulate emissions from external combustion units. Historically, these types of units have been regulated by the process weight rule, Rule 311. Now these units will have their own standards and recordkeeping provisions.

Rules 321 (Municipal Solid Waste Landfills), 360 (New Source Performance Standards), 370 (Federal Hazardous Air Pollutant Program) and 371 (Acid Rain)

Maricopa County is proposing to update its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS); National Emission Standards for Hazardous Air Pollutants (NESHAP); and Acid Rain.

In Rule 321, 40 CFR 60, Subpart WWW, Municipal Solid Waste Landfills, is incorporated by reference. In Rule 360, updates to the federal NSPS regulations are incorporated as of July 1, 1999. In Rule 370, updates to the federal NESHAP regulations are incorporated as of July 1, 1999. In Rule 371, updates to the federal Acid Rain regulations are incorporated as of July 1, 1999.

REVISIONS TO BE DISCUSSED AT PUBLIC HEARING:

Rules 100 (General Provisions and Definitions), 220 (Non-Title V Permit Provisions), New Rule 201 (Emissions Caps), New Appendix D (List Of Insignificant Activities), and New Appendix E (List Of Trivial Activities)

This rulemaking package is called the Facility Change Rulemaking Package; It corresponds with the Arizona Department Of Environmental Quality's (ADEQ's) proposed Facility Change rules draft dated June 11, 1999.

In Rule 100, Maricopa County is proposing: 1) To add 8 new definitions and to modify the definitions of actual emissions and major modification, which will correspond to the Environmental Protection Agency's (EPA's) final WEPCO rule; 2) To add 3 new definitions and to modify 4 definitions, which will comply with EPA's written comments dated July 10, 1998, regarding the New Source Review/Prevention Of Significant Deterioration (NSR/PSD) Permit rules; and 3) To revise the readability of many sections.

In Rule 220, Maricopa County is proposing to categorize Non-Title V source changes based on procedural and administrative requirements and to create a new category – changes that do not require prior notice but must be logged in records at the source. There are 6 kinds of facility changes that can be made without any immediate permit revision, provided that prior notice to the Control Officer is given. In these situations, facilities are allowed to make the changes on relatively short notice – from 7 days to 30 days. No revision of the permit is necessary, but, if desired, a permit revision can take place up to a year later. Several factors account for the differences in notice times established in Rule 220. The Control Officer must affirm that the change does not require a permit revision and that the change is not subject to applicable requirements beyond those in the permit. The Control Officer must also confirm that there are no environmental consequences due to the change. There are 6 kinds of facility changes that can be implemented at the source immediately, without prior notice to the Control Office, if logs detailing the change are kept – simultaneously as the change is made. The logs must be accessible to the Control Officer, upon request, and must be sent to the Control Officer each year. The logs allow the Control Officer, on his own initiative, to gather facts and make investigations. As with notice changes, if the logged changes can be incorporated into the permit, an annual permit amendment incorporating all changes may be implemented by the Control Officer, under Rule 220, Section 408 (Amendments To A Permit). The former rules were silent regarding changes that could be made by a facility with no regulatory consequences. Rule 220, as proposed, states that if the change does not fall into 1 of 4 groups, there is no regulatory consequence. Because the 4 groups are described in considerable detail, the situations that have no regulatory consequence are better delineated.

Maricopa County is proposing New Rule 201 to establish federally enforceable emissions limits. A source that is a true Non-Title V source can choose to have an emissions cap, which will allow the source to make more changes more easily and to make some changes without having to make complicated, time-consuming permit revisions. An emissions cap applies to a source's emissions, applies plantwide, allows verification of netting calculations, allows a source to trade emissions, and could be an emissions limitation. Permits may be written to exempt sources with an emissions cap from certain notice requirements or logging requirements, which will allow the source more operating flexibility. In addition, New Rule 201 applies to Title V sources, based on the following conditions: 1) The emissions cap would be used to limit a source's potential to emit to avoid triggering an applicable requirement; 2) The emissions cap would not allow a source to establish a plantwide applicability limit (PAL); and 3) The emissions cap would not relieve a source of its obligation to comply with New Source Review (NSR); That is, if a change under an emissions cap would result in an emissions increase that otherwise triggers NSR, the source must go through the NSR review process.

Maricopa County is proposing New Appendix D (List Of Insignificant Activities) and New Appendix E (List Of Trivial Activities) to clarify and better explain the size and types of activities, processes, or industries that require a permit or a permit revision. New Appendix D is a list of most common insignificant activities, which are typically associated with inconsequential environmental impacts and is to be used as a guide only. A Non-Title V source must, in a permit application, list and describe its insignificant activities. If a Non-Title V source's emissions are approaching an applicable requirement, then such Non-Title V source may also be required to include, in a permit application, emissions calculations for such insignificant activities. A Title V source must, in a permit application, list and generally group its insignificant activities. If emissions estimates are needed for another purpose, such as determining the amount of permit fees, then such Title V source may also be required

to include, in a permit application, emissions calculations for such insignificant activities. New Appendix E is a list of most common trivial activities and is to be used as a guide only. A Non-Title V source is not required to list nor to describe trivial activities in a permit application and is not required to include, in a permit application, the emissions from such trivial activities. A Title V source is not required to list nor to describe trivial activities in a permit application and is not required to include, in a permit application, the emissions from such trivial activities.

On September 3, 1998, October 29, 1998, December 17, 1998, June 17, 1999, and December 16, 1999, Maricopa County conducted Public Workshops to discuss proposed revisions to Rules 100 and 220, new Rule 201, new Appendix D (List Of Insignificant Activities), and new Appendix E (List Of Trivial Activities). Maricopa County will further discuss these changes during the Public Hearing scheduled for July 26, 2000.

Rules 100 (General Provisions and Definitions) and 500 (Attainment Area Classification)

Maricopa County is proposing to revise Rules 100 and 500 in order to address the EPA's written comments dated July 10, 1998 regarding the New Source Review/Prevention Of Significant Deterioration (NSR/PSD) Permit Rules. Maricopa County conducted a Public Workshop on December 16, 1999 and will further discuss these changes during the Pubic Hearing scheduled for July 26, 2000.

Rule 100 (General Provisions And Definitions), New Rule 130 (Emergency Provisions), and New Rule 140 (Excess Emissions)

This rulemaking package is called the Excess Emissions Rulemaking Package. Maricopa County is proposing to delete Section 501 (Emergency Provision) and Section 502 (Excess Emissions) from Rule 100 and is proposing to write each section as an individual rule; Rule 100, Section 501 will become New Rule 130 (Emergency Provisions), and Rule 100, Section 502 will become New Rule 140 (Excess Emissions). Maricopa County conducted a Public Workshop on December 16, 1999 and will further discuss these changes during the Pubic Hearing scheduled for July 26, 2000.